

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201805588	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/10/2018 7:00 PM	Location of Incident: In front of 113-22 Rockaway Beach Boulevard; 100th Precinct stationhouse	Precinct: 100	18 Mo. SOL 1/10/2020	EO SOL 1/10/2020	
Date/Time CV Reported Wed, 07/11/2018 12:05 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/11/2018 12:05 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Casey Shamloo	04150	961280	100 PCT
2. Officers			100 PCT
3. LT Daniel Edenfield	00000	941695	DCEI
4. An officer			100 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Stango	04024	954304	100 PCT
2. POM Shaun Grossweiler	04879	940220	100 PCT
3. POM Evan Gales	23302	952756	100 PCT
4. POM Patrick Reilly	16493	957993	100 PCT
5. POM Joseph Golliver	21139	958640	100 PCT
6. SGT Anthony Guadagno	482	937872	100 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Casey Shamloo	Abuse: At 113-22 Rockaway Beach Boulevard, Police Officer Casey Shamloo stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Casey Shamloo	Abuse: At 113-22 Rockaway Beach Boulevard, Police Officer Casey Shamloo stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Casey Shamloo	Abuse: At 113-22 Rockaway Beach Boulevard, Police Officer Casey Shamloo threatened § 87(2)(b) with the use of force.	
D.LT Daniel Edenfield	Abuse: At 113-22 Rockaway Beach Boulevard, Lieutenant Daniel Edenfield questioned § 87(2)(b)	
E. An officer	Abuse: At 113-22 Rockaway Beach Boulevard, an officer questioned § 87(2)(b)	
F. An officer	Discourtesy: At 113-22 Rockaway Beach Boulevard, an officer spoke discourteously to § 87(2)(b)	
G. An officer	Abuse: At 113-22 Rockaway Beach Boulevard, an officer frisked § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H. Officers	Abuse: At 113-22 Rockaway Beach Boulevard, officers searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
I. An officer	Abuse: At the 100th Precinct stationhouse, an officer questioned § 87(2)(b)	
J.POM Casey Shamloo	Abuse: At the 100th Precinct stationhouse, Police Officer Casey Shamloo searched the vehicle in which § 87(2)(b) was an occupant.	

Case Summary

On July 11, 2018, § 87(2)(b) filed this complaint over the phone with the CCRB on behalf of himself and his wife § 87(2)(b). This case was reassigned to Investigator Azmitia on November 28, 2018.

On July 10, 2018, at approximately 8:00 P.M., § 87(2)(b) and § 87(2)(b) were in his vehicle and were stopped by PO Casey Shamloo and Lt. Daniel Edenfield, of the 100th Precinct, at Beach 115th Street and Rockaway Beach Boulevard in Queens (**Allegations A and B, Abuse of Authority:** § 87(2)(g)). After providing his driver's license, a PBA card, and a SBA card, § 87(2)(b) was told to exit the vehicle, and when he asked why, PO Shamloo allegedly told him, "Get out of the car or I can get you out of the car" (**Allegation C, Abuse of Authority:** § 87(2)(g)). Lt. Edenfield and another officer then approached § 87(2)(b) who was still in the vehicle, and asked her questions about who § 87(2)(b) was and whether there were drugs in the vehicle (**Allegation D, Abuse of Authority:** § 87(2)(g)). Simultaneously, an unidentified officer told § 87(2)(b) "Oh, your tablet is full of shit," referring to his temporary license plate (**Allegation F, Discourtesy:** § 87(2)(g)). § 87(2)(b) was asked to step out of the vehicle, after which an unidentified officer patted the front pockets of her shorts (**Allegation G, Abuse of Authority:** § 87(2)(g)). Approximately three to four officers then searched § 87(2)(b)'s vehicle (**Allegation H, Abuse of Authority:** § 87(2)(g)). § 87(2)(b) was placed in handcuffs and taken to the 100th Precinct stationhouse, where an unidentified officer asked him whether he knew anyone who had guns (**Allegation I, Abuse of Authority:** § 87(2)(g)). While § 87(2)(b) was in custody, PO Shamloo searched his vehicle (**Allegation J, Abuse of Authority:** § 87(2)(g)).

Video footage of this incident was not recovered.

Findings and Recommendations

Allegation (A) Abuse of Authority: At 113-22 Rockaway Beach Boulevard, Police Officer Casey Shamloo stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: At 113-22 Rockaway Beach Boulevard, Police Officer Casey Shamloo stopped the vehicle in which § 87(2)(b) was an occupant.

In his testimony to the CCRB, § 87(2)(b) stated that he and § 87(2)(b) had just left the beach and returned to their vehicle when he found that he had been issued a summons for parking meter expiration [BR 02]. § 87(2)(b) noted that his vehicle, a black Ford Explorer with a temporary Texas license plate at the time, has dark tints on all the windows, including the front and back windows. § 87(2)(b) did not know the percentage of the tints but noted that the tints are not legal. After driving approximately one block, § 87(2)(b) stated that he was stopped by a black unmarked vehicle, after which plainclothes officers approached his vehicle. One of the officers asked § 87(2)(b) for his license and registration, and § 87(2)(b) provided his driver's license, a PBA card, and an SBA card. There was no discussion regarding the reason for the stop. Shortly thereafter, several other officers, including a uniformed officer in a white shirt, arrived on scene.

§ 87(2)(b) testimony was consistent with that of § 87(2)(b) [BR 03].

PO Shamloo testified to the CCRB that he and Lt. Edenfield had observed § 87(2)(b) s vehicle and issued a parking summons to it for parking meter expiration at 6:40 P.M. [BR 04] At that time, he noticed the window tints but could not issue a summons for them because it would have to be issued to the motorist and not to the vehicle. PO Shamloo and Lt. Edenfield later observed the vehicle moving westbound on Rockaway Beach Boulevard and initiated the stop. PO Shamloo noted that there was no discussion of what actions to take before the stop was initiated, and that he believed it was his decision to initiate the stop but did not recall.

Lt. Edenfield's testimony § 87(2)(g) At the time that PO Shamloo issued the parking summons to § 87(2)(b) s vehicle, Lt. Edenfield noted that the vehicle had dark tinted windows but elected not to issue a summons for it at the time. Lt. Edenfield did not recall who made the ultimate decision to initiate the stop.

Vehicle and Traffic Law §375 (12-a) notes that a motorist may not operate a vehicle covered or treated with any material which has a light transmittance of less than 70% [BR 16].

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Allegation (C) Abuse of Authority: At 113-22 Rockaway Beach Boulevard, Police Officer Casey Shamloo threatened § 87(2)(b) with the use of force.

Allegation (D) Abuse of Authority: At 113-22 Rockaway Beach Boulevard, Lieutenant Daniel Edenfield questioned § 87(2)(b)

Allegation (E) Abuse of Authority: At 113-22 Rockaway Beach Boulevard, an officer questioned § 87(2)(b)

Allegation (F) Abuse of Authority: At 113-22 Rockaway Beach Boulevard, an officer spoke discourteously to § 87(2)(b)

Allegation (G) Abuse of Authority: At 113-22 Rockaway Beach Boulevard, an officer frisked § 87(2)(b)

Allegation (H) Abuse of Authority: At 113-22 Rockaway Beach Boulevard, officers searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) testified to the CCRB that after he provided his driver's license and PBA and SBA cards, an officer whom he described as a white male, 5'5" tall, with a slightly overweight build, told him to exit the vehicle [BR 02]. § 87(2)(b) asked what the problem was, to which the officer replied, "Get out of the car or I can get you out of the car." § 87(2)(b) § 87(2)(b) complied, after which the same officer questioned why he had so many PBA cards. Another officer, whom § 87(2)(b) described as a white male, over 6'0" tall, with a muscular build, said, "Oh, your tablet is full of shit," referring to his license plate. Simultaneously, several officers approached the passenger's side of the vehicle, after which § 87(2)(b) § 87(2)(b) joined § 87(2)(b) at the rear of the vehicle and said that she was told to step out. Another officer whom § 87(2)(b) described as a white male in plainclothes, frisked the two thigh pockets of § 87(2)(b) shorts. While that happened, approximately three to four officers searched § 87(2)(b) s vehicle. § 87(2)(b) did not see who the officers were because his back was to the vehicle.

§ 87(2)(b) testimony § 87(2)(g) [REDACTED]
[REDACTED] Approximately five minutes after § 87(2)(b) [REDACTED] exited the vehicle, two officers, whom § 87(2)(b) [REDACTED] described as white males, 38 and 26 years old respectively, approached her at the front passenger's side door and asked who § 87(2)(b) [REDACTED] was. One officer asked whether there were drugs or "objects" in the vehicle, to which § 87(2)(b) [REDACTED] said no. After § 87(2)(b) [REDACTED] exited the vehicle, the older officer said that he was going to check § 87(2)(b) [REDACTED] to make sure that she had nothing on her and patted the front pockets of her shorts. § 87(2)(b) [REDACTED] then saw two officers searching the passenger's side of the vehicle, and two officers searching the driver's side of the vehicle, although she saw them at different times and was unsure of whether it was the same officers each time.

PO Shamloo testified to the CCRB that after § 87(2)(b) [REDACTED] provided his driver's license, PO Shamloo attempted to run a search for the license plate [BR 04]. The search returned no results, which indicated that the vehicle may have been stolen or unregistered. Anti-crime officers were called to the scene, and after their arrival PO Shamloo instructed § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] to exit the vehicle for the safety of the officers because the tinted windows were dark enough that they could not see into the vehicle. PO Shamloo noted that there was no difficulty in having § 87(2)(b) [REDACTED] exit the vehicle, and he did not say, "Get out or I can get you out," nor did he hear any other officer say so. § 87(2)(b) [REDACTED] was placed under arrest for possession of a forged instrument, referring to the temporary Texas plate, and for further investigation given that it could not be verified whether the vehicle matched the temporary plate. PO Shamloo did not recall whether § 87(2)(b) [REDACTED] was frisked on scene. He did not recall whether he had any conversation with § 87(2)(b) [REDACTED] PO Shamloo did not ask § 87(2)(b) [REDACTED] whether there were any drugs in the vehicle and did not hear any other officer do so. No search of the vehicle was conducted on scene.

Lt. Edenfield's testimony § 87(2)(g) [REDACTED]
[REDACTED] Lt. Edenfield approached the passenger's side of the vehicle while PO Shamloo approached the driver's side, and he did not hear PO Shamloo's conversation with § 87(2)(b) [REDACTED]. He did not recall what conversation he had with § 87(2)(b) [REDACTED] PO Shamloo informed Lt. Edenfield that they might have an arrest because § 87(2)(b) [REDACTED] did not have proper paperwork, although Lt. Edenfield did not recall what paperwork § 87(2)(b) [REDACTED] was missing. § 87(2)(b) [REDACTED] was instructed to exit the vehicle because he did not provide the proper paperwork; because of the temporary license plates; and because the window tints were dark enough that the officers could not see inside the vehicle even though it was light outside. Lt. Edenfield noted that § 87(2)(b) [REDACTED] exited the vehicle on his own and there was no difficulty in getting him to exit the vehicle. He did not hear any officer tell § 87(2)(b) [REDACTED] to "get out or I can get you out" and did not recall any mention of using force to remove § 87(2)(b) [REDACTED] from the vehicle. Lt. Edenfield did not recall whether he heard any officers on scene speaking to § 87(2)(b) [REDACTED] He did not hear any officers ask § 87(2)(b) [REDACTED] if there were drugs in the vehicle and was unsure of whether there was any reason to believe there were drugs in the vehicle at the time. Lt. Edenfield did not see any officers frisk § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED] was placed under arrest because of his lack of paperwork and because further investigation had to be conducted which could not be done on scene.

PO Christopher Stango of the 100th Precinct, who was assigned to anti-crime on the day of the incident, responded to the location with his partners PO Patrick Reilly and Sgt. Anthony Guadagno [BR 06]. § 87(2)(f) [REDACTED]
[REDACTED] . § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] were already

PO Shamloo testified that upon arriving at the 100th Precinct stationhouse, he conducted further investigation of § 87(2)(b)'s vehicle while another unidentified officer lodged § 87(2)(b) and Lt. Edenfield assumed desk duties [BR 04]. PO Shamloo did not recall whether he asked § 87(2)(b) if he knew any individuals with guns and did not hear any other officers do so.

Lt. Edenfield's testimony § 87(2)(g) Lt. Edenfield did not interact with § 87(2)(b) at the stationhouse and did not witness any other officers interact with § 87(2)(b) at the stationhouse. Lt. Edenfield was not made aware of any officers asking § 87(2)(b) if he knew of any people with firearms.

PO Golliver, PO Grossweiler, PO Stango, and Sgt. Guadagno all testified that they left the scene when § 87(2)(b) was taken to the stationhouse and did not have any further interactions with § 87(2)(b) [BR 07, 08, 09].

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation (J) Abuse of Authority: At the 100th Precinct stationhouse, Police Officer Casey Shamloo searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified to the CCRB that while he was in the holding cell at the 100th Precinct stationhouse, PO Shamloo approached and asked what he did for a living because oil was found in his car [BR 02]. § 87(2)(b) asked PO Shamloo, "Did you search my whole car?" PO Shamloo responded, "Yes, I checked, but you didn't have anything."

In his testimony to the CCRB, PO Shamloo stated that, after arriving at the 100th Precinct stationhouse, he conducted a search of § 87(2)(b)'s vehicle glove compartment and driver's side to look for any documentation, such as insurance paperwork, that might assist in his investigation of the vehicle [BR 04]. PO Shamloo noted that he searched for other documentation to be as comprehensive as possible but did not indicate that he needed further documentation to conduct searches for the vehicle. PO Shamloo was not searching for anything else in the vehicle. He found more expired temporary Texas license plates in the vehicle. While at the stationhouse, PO Shamloo was informed by an unidentified supervisor that § 87(2)(b) was a confidential informant. For that reason, and because § 87(2)(b) believed that he was able to use temporary Texas license plates in New York, PO Shamloo exercised discretion and issued a summons to § 87(2)(b) for one tinted window and released him in lieu of arresting him for possessing a forged instrument.

Lt. Edenfield testified to the CCRB that he was not made aware of any other investigative steps taken at the stationhouse [BR 05]. He noted that PO Shamloo would have looked in § 87(2)(b)'s vehicle for any necessary paperwork but was unaware of whether an inventory search was conducted. Lt. Edenfield was unaware of what paperwork PO Shamloo would have been looking for but noted that documentation could verify that the vehicle was not stolen and that the temporary plate was not fraudulent. Lt. Edenfield noted that

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date